

HOUSE BILL 228

A1

2lr0832
CF 2lr1011

By: **Delegates Feldman, Ivey, Afzali, Arora, Barnes, Barve, Beitzel, Bobo, Carr, Cullison, Dumais, Dwyer, Eckardt, Elliott, Frank, Frick, Glass, Harrison, Healey, Holmes, Hough, Howard, Hubbard, Hucker, Kach, Kaiser, A. Kelly, Kipke, Krebs, Lee, Luedtke, McComas, McMillan, A. Miller, Myers, Nathan–Pulliam, Norman, Reznik, Rosenberg, Schulz, Summers, Washington, and Wilson**

Introduced and read first time: January 26, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consuming Wine Beverages Not Bought on Premises – Restaurants, Clubs,**
3 **and Hotels**

4 FOR the purpose of allowing an individual in a certain restaurant, club, or hotel for
5 which a certain alcoholic beverages license is issued the privilege of consuming
6 wine not purchased from or provided by the license holder; requiring, for an
7 individual to exercise the privilege, that the wine be consumed with a meal and
8 the individual receive the approval of the license holder; authorizing a license
9 holder to determine and charge an individual a fee for the privilege; applying
10 the sales tax to the fee; requiring, with a certain exception, the license holder to
11 dispose of wine after the meal is finished; allowing an individual to remove from
12 the licensed premises a bottle, the contents of which are only partially
13 consumed, if the license holder or an employee of the license holder inserts a
14 cork in or places a cap on the bottle; specifying that a certain bottle of wine is an
15 “open container” for a certain purpose; and generally relating to the
16 consumption of wine.

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 12–107(b)(2)
20 Annotated Code of Maryland
21 (2011 Replacement Volume)

22 BY adding to
23 Article 2B – Alcoholic Beverages
24 Section 12–107(b)(10)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Tax – General
5 Section 11–101(m)
6 Annotated Code of Maryland
7 (2010 Replacement Volume and 2011 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article 2B – Alcoholic Beverages**

11 12–107.

12 (b) (2) [It] **EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS**
13 **SUBSECTION, IT** shall be unlawful for any person to drink on the licensed premises of
14 any license holder any alcoholic beverages not purchased from the license holder on
15 said premises and not permitted by this article to be consumed on the premises; and it
16 shall be unlawful for any license holder to permit any person to drink any alcoholic
17 beverage not purchased from the said license holder on the premises covered by the
18 license which he holds and not permitted by this article to be consumed on the
19 premises.

20 **(10) (I) AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL**
21 **FOR WHICH A CLASS B OR CLASS C LICENSE ALLOWING THE SALE OF WINE IS**
22 **ISSUED MAY CONSUME WINE NOT PURCHASED FROM OR PROVIDED BY THE**
23 **LICENSE HOLDER ONLY IF:**

24 **1. THE WINE IS CONSUMED WITH A MEAL DURING**
25 **THE HOURS OF SALE SPECIFIED BY THE LICENSE; AND**

26 **2. THE INDIVIDUAL RECEIVES THE APPROVAL OF**
27 **THE LICENSE HOLDER.**

28 **(II) A LICENSE HOLDER THAT ALLOWS AN INDIVIDUAL THE**
29 **PRIVILEGE OF CONSUMING WINE DESCRIBED UNDER SUBPARAGRAPH (I) OF**
30 **THIS PARAGRAPH MAY DETERMINE AND CHARGE THE INDIVIDUAL A FEE FOR**
31 **THE PRIVILEGE, ON WHICH A SALES TAX SHALL BE IMPOSED.**

32 **(III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS**
33 **PARAGRAPH, THE LICENSE HOLDER SHALL DISPOSE OF WINE DESCRIBED**
34 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT REMAINS AFTER THE**
35 **MEAL IS FINISHED.**

1 (11) a transportation service for transmission, distribution, or delivery
2 of electricity or natural gas, if the sale or use of the electricity or natural gas is subject
3 to the sales and use tax; [or]

4 (12) a prepaid telephone calling arrangement; **OR**

5 **(13) THE PRIVILEGE GIVEN TO AN INDIVIDUAL UNDER ARTICLE 2B**
6 **§ 12-107(B)(10) OF THE CODE TO CONSUME WINE THAT IS NOT PURCHASED**
7 **FROM OR PROVIDED BY A RESTAURANT, CLUB, OR HOTEL.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2012.